

D. C. Form No. 106A Rev.

Jury demand date: 10-2-73 by deft.

TITLE OF CASE				ATTORNEYS							
THE CENTRAL BANK & TRUST COMPANY, a Colorado Banking corporation, vs. MARCUS EBENHACK, SR.,				For plaintiff: John R. Woodard III Green, Feldman & Hall 816 Enterprise Bldg. Tulsa, Okla. 74103(583-7129)							
				For defendant: John K. Harlin, Jr. 403 Wright Building 583-2626 Tulsa, Oklahoma 74103(587-6708)							
STATISTICAL RECORD		COSTS		DATE		NAME OR RECEIPT NO.		REC.		DISB.	
J.S. 5 mailed 8-1-73		Clerk		7/31/73		Woodard		15 00			
				8-2-73		C.D.No.1				15 00	
				3-7-74		Harlin		5 00			
J.S. 6 mailed 2-1-74		Marshal		3-14-74		C/D #35				5 00	
Basis of Action: money jgmt. prom. note		Docket fee									
		Witness fees									
Action arose at:		Depositions									

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-30-73	Complaint filed, summons issued. jj	
8-6-73	Return on U.S. Marshals Service, Complaint and Summons, filed. Served Marcus Ebenhack, Sr., in Tulsa, OK, on 8-6-73, with fee of \$5.16. v	
8-24-73	<u>Answer</u> , filed by Marcus Ebenhack, Sr. v	
8-29-73	Case set for P-T hearing at 2:20 P.M., Oct. 2, 1973 (FD-J)r	
10-2-73	pre-trial held. Pltf. rep. by John R. Woodard & Wm. S. Hall; def. rep. by John Harlin. Statements made. Deft. oral <u>demand for jury trial granted</u> . Deft. directed to file brief, re jurisdiction, etc. within 10 days (due 10/12/73); pltf. to ans. within 10 days thereafter (FD-J)r	
10-11-73	Deft's Brief, Statment of Facts, filed. r	
10-19-73	Pltfs. brief, filed. rm	
10-19-73	Motion for summary judgment by pltf., filed (w/copy of above brief attached as support thereof.) rm	
11-2-73	Ltr. from FD, dated 11/2/73, to counsel, directing def. to respond to pltf. mo/SJ & pltf. respond to def. Mo/dismiss or for Judge./Pleadings within 15days w/brief. (FD-J) rm (due <u>11/17</u>)	
11-6-73	Response to Deft's Motion to Dismiss or for Jgmt on the Pleadings/ w/ Pltf's Brief att. filed. jj	
11-9-73	Defendant's brief, filed. ds	
12-12-73	Case set for jury trial for 1/15/74 at 9:30 a.m. (FD-J)rm	
12-13-73	Order, filed, overruling pltf. mo/SJ. (FD-J)rm	
1-14-74	<u>Pre-Trial Order</u> , filed. (FD-J)rm	
1-15-74	Case called for jury trial. Parties present & represented. Jury duly empaneled and sworn. Testimony given. Parties rest. Pltf. moves for directed verdict for money judg. and is granted. Ct. appts. foreman and instructs to sign verdict. Verdict signed in open ct. & clerk directed to file same. Clk. directed to prepare and file judgment in favor of pltf. in sum of \$12,000, w/int. at 8% from 11/20/72 and agreed atty. fee of \$1500. Jury discharged. (FD-J)rm	
1-15-74	Verdict, filed. rm	
1-15-74	Judgment on directed verdict, filed and entered. rm	
1-15-74	Trial exhibits, filed. rm	
1-21-74	Mot. of Deft. for new trial, filed. v	
1-21-74	Brief in support, filed. v	
1-24-74	Ltr. to pltf. directing them to respond to def. mo/new trial w/brief by 2/3/74. (FD-J)rm	
1-29-74	Pltf.'s response to Deft.'s Mot. for New Trial, filed. v	
1-29-74	Brief in Support, filed. v	
2-8-74	Order, filed and entered, overruling defs. mo/new trial (FD-J)	
2-12-74	Bill of Costs, filed by Pltf. <u>To be taxed</u> on 2-19-74 at 10 A.M. v	

(Contd)

73-C-246

DAUGHERTY

73-C-246

D. C. 110A Rev. Civil Docket Continuation

(Sheet No. 3)

8

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-19-74	Costs is taxed in the amount of \$40.16 and included in the Judgment, both parties were present at hearing.(JCS-Clk.). js	
3-5-74	Notice of appeal by defendant, filed. Cpy to USCA and counsel for pltf. g	
3-5-74	Bond on appeal (\$250 cash), filed. g	
4-2-74	Clerk's copy ^{and original} of trial transcript, filed. g	
4-5-74	Appeal record (2 vols.) sent to USCA. g	
4-10-74	Execution returned & filed, unsatisfied. (USM \$4.44)g	
5-21-74	Garnishment Affidavit, filed. Orig. & Copy of Summons sent cert. mail to Newspaper Printing Corp. e	
6-4-74	Application for order by defendant, exempting earnings from garnishment, filed. ds	
6-6-74	Garnishee's answer (with ck. for \$37.67), filed. g	
6-10-74	Order, filed, striking def. appl. for order exempting earnings for failure to file brief as required by Rule 13. (FD-J)rm - copies md	
6-17-74	Garnishment Affidavit, filed. Orig. + cpy of summons sent to Newspaper Printing Corp. by certified mail. g	
6-26-74	Application for order exempting earnings from garnishment, filed. ds	
6-26-74	Brief in support of application exempting earnings from garnishment, filed. ds	
6-28-74	Garnishment Affidavit of John R. Woodard, III, filed. v -summons issued.	
6-28-74	Appl. for citation to disclose assets, filed by Pltf. v (o)	
7-1-74	Garnishee's Answer, filed. (w/check for \$40.39) v	
7-1-74	Ltr., dated 6/28/74, from F.D. to pltf. granting them to 7/13/74 to respond to appl. of def. for exemption of wages from garnishment, w/brief. (FD-J)rm	
7-8-74	Response of pltf. to def.'s appl. for order exempting earnings from garnishment, filed. rm	
7-8-74	Brief in support of pltf. response, filed. rm	
7-11-74	Order, filed, that def. Ebenhack is ordered to appear before U.S. Magistrate M. L. Bradford, appt. as Special Master for purpose of this hrg., on Monday, 7/22/74 at 10 am; def. further enjoined from disposing of any property. (FD-J)rm - copies mailed w/certified copies for service by pltf. counsel.	
7-12-74	Order, filed, that earnings of def. for his personal services are exempt from garnishment proceedings; that pltf. has made sufficient allegations to permit it to show cause why foregoing order should be modified or vacated; therefore, evidentiary hrg. is set for 7/24/74 at 5 p.m. at which time pltf. may show cause why wages should not be exempted from process. (FD-J)rm - copies mailed	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-16-74	Marshal's service on Order of 7-11-74, ret. & filed: served Ebenhack on 7-12-74. (USM \$4.44)g	
7-18-74	Garnishment Answer (of Newspaper Printing Corp. in the sum of \$37.66) filed.k	
7-18-74	MO: Ordered by the Court that the hearing scheduled for 7-22-74 at 10 a.m., where deft. Ebenhack is ordered to appear before U.S. Mag. M.L. Bradford, is <u>RESET</u> for Tues., <u>7-23-74</u> , at <u>10 a.m.</u> (FD-J)v	<i>Parties notified by phone & mail.</i>
7-24-74	Hearing held before Judge Daugherty for pltf. to show cause why defs. wages should not be exempt from garnishment. Pltf. rep. by counsel of record. Def. pre. in person & rep. Pltf. calls def. to stand to testify. Def. sworn and is examined. Parties make closing arguments. Ct. orders that def.'s wages be exempt from garnishment. Def. counsel directed to prepare and submit proper order.(FD-J)rm	<i>mag notified.</i>
8-6-74	Asset hrg. stricken and passed to 9/5/74 at 10 a.m. (MLB-Mag) rm	
8-9-74	Order, filed and entered, exempting def. wages from garnishment and directing Clerk to disburse all monies of def. held by Court.(FD-J)rm	<i>Copies made.</i>
9-23-74	Transcript of Proceedings of Assets Hearing on 9-5-74 before Hon. Morris L. Bradford, U.S. Mag., reported by Evelyn E. Rutherford, LRS filed. Fee of \$31.50 pd. by plaintiff.jj	
3-5-75	Garnishment affidavit of John R. Woodard, filed. Garnishee summons issued and sent by certified mail No. 182936. rm	
, 3-17-75	Mandate & Opinion of USCA affirming judgment of 1-15-74, filed & spread of record. g	
3-17-75	Statement of Costs in USCA in amt. of \$18 taxed against appellant, filed. g	
3-17-75	Garnishee's Ans., filed. Gordon Eaton answering as manager of the World & Tribune Federal Credit Union. v	
4-4-75	Appeal record (2 vols.) rec'd. from USCA. g	
5-6-75	Pltf. exhibits returned to pltf. counsel at his req. rm	
5-6-75	Release and satisfaction of judgment, ^{appeal} filed. rm	
5-16-75	Order, filed, exonerating cash/bond in sum of \$250 to John K. Harlin, Jr. (FD-J)rm	